



November 2, 2018

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: VRS Access Technology Reference Platform and RUE Profile (CG Docket Nos. 10-51 & 03-123)

Dear Ms. Dortch,

On October 31, 2018, representatives of ASL Services Holdings, LLC dba Global VRS, CSDVRS, LLC dba ZVRS, Convo Communications, LLC, Purple Communications, Inc., and Sorenson Communications, LLC (collectively the “Joint VRS Providers” or “Providers”) met with Commission staff and representatives of MITRE. The Commission attendees included Karen Peltz Strauss, Robert Aldrich, Eliot Greenwald, Robert McConnell, and Michael Scott of the Consumer and Governmental Affairs Bureau (“CGB” or the “Bureau”), and Andy Mulitz and David Schmidt (by telephone) of the Office of Managing Director. The attendees from MITRE included Dwight Handon, Jim Malloy, Amy Janett (by telephone), and Brian Rosen. The Joint VRS Provider attendees were Gabrielle Joseph (by telephone) of Global VRS; Jeff Rosen of Convo; Zarko Roganovic (by telephone) of Purple; James Hamlin (by telephone), consultant to Purple; Michael Maddix, Grant Beckmann (by telephone), and Isaac Roach (by telephone) of Sorenson; John Nakahata and Julie Veach, Harris Wiltshire & Grannis LLP, counsel to Sorenson; and Greg Hlibok and William Billbrough (by telephone) of ZVRS. As described below, the Joint VRS Providers discussed the concerns they raised in their recent letter regarding the development of the VRS Access Technology Reference Platform (“VATRP App”) and associated technical specifications (“RUE Profile”)¹ and their request for a limited waiver to allow them to provide service to new or ported users while the user’s verification remains

¹ See Letter from Gabrielle Joseph, ASL Services Holdings, LLC dba Global VRS, Jeff Rosen, Convo Communications, LLC, Michael Maddix, Sorenson Communications, LLC, and Gregory Hlibok, ZVRS Holding Company, CG Docket Nos. 10-51 & 03-123 (filed Oct. 17, 2018).

pending through the telecommunications relay services User Registration Database (“URD”).² They also discussed the *ex parte* letter filed by VRS Consumers, which also addresses the VATRP App and RUE Profile issues.³

The Providers affirmed the importance of interoperability to the VRS customer experience. Since 2013, the Providers have addressed interoperability through regular provider meetings and cooperative engagement as well as successful implementation of the Provider Interoperability Profile (“SIP Profile”) and xCard standard for consumers’ speed dial lists. MITRE’s biannual testing confirms the effectiveness of these efforts. That process is working well and has successfully addressed the periodic interoperability issues that can arise with the introduction of new hardware or software-based VRS applications. At the same time, the VATRP and RUE Profile have expanded beyond the original scope that the Commission conceived in 2013 as a testing tool for interoperability, adding new “features” that providers must support, at the cost of millions to the Fund and the Providers.⁴ The new features and requirements of the VATRP and RUE Profile are not explained by any interoperability problem or consumer need. For example, each provider already has a method for notifying its customers of a pending video mail. But the RUE Profile creates a “new” way to notify the consumer that he or she has a new video mailing waiting, which providers must support. It is not clear why interoperability requires that to be subject to a unifying standard. Similarly, multiple concurrent registrations is a feature a provider may seek to deploy or not, depending upon its assessment of its users’ needs, but is not necessary to interoperability. In light of these diverging trends, the Providers explained that the Commission should pause the implementation of the VATRP and RUE Profile, which would provide time for the Commission and all stakeholders to re-assess the current direction of the VATRP and RUE Profile and ensure that no more resources are spent to address problems that have already been solved. The Consumer Groups—representing the people that this effort is intended to benefit—do not oppose a pause.⁵

The Providers gave several reasons why a pause is necessary. First, the current draft of the RUE Profile contains features that are not relevant to testing interoperability but appear instead to be intended to standardize VRS endpoints and go beyond the scope of the *VRS Reform*

² See Joint Petition of VRS Providers for Waiver, CG Dockets No. 03-123 & 10-51 (filed June 20, 2018) (“Joint Waiver Petition”).

³ See Letter from Claude L. Stout, Telecommunications for the Deaf and Hard of Hearing, Inc., Howard Rosenblum and Zainab Alkebsi, National Association of the Deaf, Mark Hill, Cerebral Palsy and Deaf Organization, Nancy B. Rarus and Alfred Sonnenstrahl, Deaf Seniors of America, Christian Vogler, Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University, CG Docket Nos. 03-123 & 10-51, at 1 (filed Oct. 31, 2018) (“Consumer Groups Oct. 31 Letter”).

⁴ See *Structure and Practices of the Video Relay Service Program et al.*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618, 8644 ¶ 53 (2013) (“*VRS Reform Order*”), vacated in part on other grounds sub nom. *Sorenson Commc’ns, Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. 2014).

⁵ See Consumer Groups Oct. 31 Letter at 1.

Order. MITRE explained that some of these features are “optional” but must be implemented by the Providers if they already offer their own, distinct version of the functionality (such as a video mail waiting indicator), which effectively makes the new implementation mandatory. Not only are these enhanced features irrelevant to testing interoperability but they represent provider innovation that the Commission directed the VATRP not to disrupt.⁶ It is not at all clear why the Providers should be required to implement a separate version of a feature just to support the VATRP. Second, the Providers will incur millions in additional costs (which should be compensable from the Fund) to ensure that their platforms support the VATRP per the RUE Profile, yet these costs will not yield any tangible service improvements for VRS consumers. Third, the Providers’ engineering and development teams are devoting substantial time and resources to participate in the development of the RUE Profile, which diverts resources from other projects on which consumers place a higher priority. These efforts will increase substantially once the RUE Profile is finished and the Providers must begin implementation. This diversion of resources means that the Providers have less capacity to innovate and improve their products and, importantly, less capacity to devote to the improvements that the Consumer Groups identify as *their* technical priorities—encryption, automatic geolocation for 911 calls, and “mainstream interoperability” with non-VRS video communications platforms.⁷ Finally, a pause will allow the RUE Profile to develop consistent with the recommendations of the North American Numbering Council’s Interoperable Video Calling Working Group.⁸

The Providers also highlighted that with just six months left until the current April 2019 implementation deadline, no RUE Profile with consensus definition, and no working version of the VATRP that has passed MITRE testing using the SIP Forum’s Provider Interoperability Profile, it will be impossible for providers to meet the April 2019 deadline.⁹

⁶ See *VRS Reform Order*, 28 FCC Rcd. at 8647 ¶ 60 (“[T]he VRS access technology reference platform should ‘set a baseline for interoperability and should in no way impede future innovation.’” (quoting comments of Sorenson with approval)). The Consumer Groups agree that the VATRP App “should not be leading the process to set feature requirements that have not been adopted for the RUE Profile under an appropriate process.” Consumer Groups Oct. 31 Letter at 1-2.

⁷ Consumer Groups Oct. 31 Letter at 1, 4. The Providers also support implementation of skills-based routing and use of certified Deaf interpreters—which are other requests of the Consumer Groups—once the Commission establishes the necessary conditions.

⁸ See *id.* at 2 (“Consumer Groups and RERC agree that the VATRP App should be developed consist with work by the North American Numbering Council (‘NANC’).”).

⁹ See Comments of Convo Communications, CSDVRS, Purple Communications, and Sorenson Communications, CG Docket Nos. 03-123 & 10-51, at 2, 8 (filed Sept. 14, 2016) (explaining that providers need at least one year for implementation *after* there is a fully compliant VATRP App); Comments of ASL Services Holdings, LLC dba GlobalVRS in Response to Further Notice of Proposed Rulemaking at 7, CG Docket Nos. 03-123 & 10-51 (filed Sept. 14, 2016) (“It is impossible to establish a provider compliance timeline in the absence of completed ACE [VATRP] applications for testing.”); Sorenson Communications,

In addition, the Providers pointed out that the 2013 *VRS Reform Order* directed that standards such as the RUE Profile be developed by a voluntary, consensus standard organization like the SIP Forum VRS Task Group.¹⁰ The Bureau's delegated authority to incorporate new standards into the VRS rules does not extend to standards that Commission staff and its vendors adopt. The only *rulemaking* authority delegated to CGB beyond standards developed by a voluntary, consensus standard organization was for "a standard data interchange format for exporting and importing user personal contacts lists (i.e., address books) and user speed dial lists."¹¹ Thus, the Providers stated that the RUE Profile work needs to be transitioned to the SIP Forum VRS Task Group, which successfully developed the Provider Interoperability Profile now in use.¹² In addition to being consistent with the *VRS Reform Order*, this approach would also allow the standard more directly to incorporate input from consumer organizations and to be updated from time to time as needed by an established consensus standard organization, whereas MITRE's relationship to the project will last only as long as the term of its contract with the Commission. Moreover, the success of the SIP Profile, developed by the SIP Forum VRS Task Group, shows that the SIP Forum has the structure, procedures, capability, and experience to craft and update standards for VRS. The Providers would support working with the SIP Forum to develop a new encryption standard, for example—one of the Consumer Groups' technical priorities.

With regard to the URD verification waiver, the Providers urged the Bureau to grant the Joint Waiver Petition, which has the support of the Consumer Groups and the Interstate

LLC, Petition for Partial Reconsideration, or in the Alternative, Suspension of the RUE Implementation Deadline, CG Docket Nos. 03-123 & 10-51, at 18 (filed May 30, 2017) ("To the extent that the Bureau presses forward with the RUE Profile and ACE [VATRP] App, the implementation deadlines should be suspended until after the RUE Profile is corrected and the certified-compliant version or versions of the ACE App are released for testing. At that time, providers should have no less than one year for implementation and testing.").

¹⁰ See *VRS Reform Order* at 8643 ¶ 49 ("We also delegate to the Chief of CGB, after consultation with the CTO and the Chief of OET, the authority to conduct rulemaking proceedings to incorporate into our rules by reference any interoperability and portability standards developed under the auspices of the SIP Forum, now or in future, or such other voluntary, consensus standard organization as may be formed to address these issues."), at 8644 ¶ 53 ("A reference platform compliant with standards developed consistent with section II.C.2 above [i.e. ¶¶ 47-52] will provide a concrete example of a standards specific VRS access technology implementation and will allow providers to ensure that any VRS access technology they develop or deploy is fully compliant with our interoperability and portability requirements.").

¹¹ *VRS Reform Order* at 8643 ¶ 50.

¹² Similarly, the Consumer Groups and RERC "fully support the Joint VRS Providers' recommendation to transition the RUE Profile from the Commission's vendor to an appropriate standards organization." Consumer Groups Oct. 31 Letter at 2.

Ms. Marlene H. Dortch

November 2, 2018

Page 5 of 6

Telecommunications Relay Service Fund Advisory Council.¹³ When potential customers initially fail the registration process, it can take several days to resubmit the information and, if needed, collect additional identity-verification documents and submit them. These issues take longer when, because of the initial rejection, the registrant does not have VRS. These issues also delay the porting process, which is particularly unnecessary since a porting-in customer, by definition, has already been verified at least once. Allowing the Providers to offer service for two weeks while a user's verification is pending would ensure that no eligible applicant goes without service and would support competition by speeding up the porting process. The Providers highlighted that granting the waiver would not burden the Fund as minutes generated by un-validated users during the two-week waiver period would not be submitted for compensation.

Respectfully submitted,

/s/

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DBA GLOBALVRS

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cc: Robert Aldrich, Consumer and Governmental Affairs Bureau
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¹³ See Comments of Consumer Groups in Response to the Joint Petition of VRS Providers for Waiver, CG Docket Nos. 03-123 & 10-51 (filed July 26, 2018); Letter from Ron Bibler, Chair, TRS Advisory Council, to Marlene Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51 (filed Oct. 4, 2018).

Ms. Marlene H. Dortch

November 2, 2018

Page 6 of 6

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